

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: JIM BOST, JR.
DEBTOR**

**CASE NO: 19-15092
CHAPTER 7**

MOTION TO COMPEL TURNOVER

COMES NOW the Chapter 7 Trustee in the above captioned case, through his attorney, and files this Motion to Compel Turnover pursuant to 11 U.S.C. §521, 542 and 704; Federal Rule of Bankruptcy Procedure 4002; as well as Local Rules 4002, and states:

1. On December 18, 2019, the Debtor filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code. The undersigned was appointed as the Chapter 7 Trustee in this case.

2. Debtor requested and was granted an extension of the deadline to file his schedules to January 16, 2020. On January 15, 2020, Debtor filed his Schedules A through J with this Court.

3. Debtor's Schedule G: Executory Contract and Unexpired Leases only lists a contract for internet services with Comcast Business. However, the Trustee has discovered that debtor had an unexpired lease when the case was filed for part of his real property. Further, the Debtor entered into a post-petition lease on a different piece of real estate.

4. The Trustee has requested an accounting of all rental payments received by the Debtor since the case was filed but Debtor has refused to provide this information.

5. The real property is not exempt and is property of the estate.
6. The Trustee has requested proof of insurance on the real property but the Debtor has refused to provide proof of insurance on any of the property.
7. Pursuant to 11 U.S.C. §542 all entities are required to turnover property of the estate to the Trustee.
8. To properly administer the estate, the Trustee requires turnover of an accounting reflecting all rent payments made since the case was filed, proof of any insurance on the real estate and keys to the structures on the real estate.
9. The Trustee also requires the Debtor to turnover physical possession of the real estate and reasonably cooperate with the Trustee so the he can secure the premises and appraise the property for sale.
10. Lastly, the Trustee requires turnover of any rental payments to the Trustee, unless a lienholder on the real estate has a valid assignment of rents, in which case the payments should be turned over to the lienholder.

WHEREFORE, the Trustee requests this Court compel the Debtor to turnover the documents, items and information requested as set out above and to reasonably cooperate with the Trustee to allow him to administer the estate or face sanctions for not complying with this Court's order.

RESPECTFULLY submitted, this the 19th day of June 2020.

_____/s/William L. Fava
WILLIAM L. FAVA (MSB# 101348)
Chapter 7 Trustee

P.O. Box 783
Southaven, MS 38671
(662) 536-1116

CERTIFICATE OF SERVICE

I, William L. Fava, Chapter 7 Trustee, do hereby certify that I have this day mailed a true and correct copy of the above Motion to Compel Turnover to the following:

U.S. Trustee
Via ECF at USTPRegion05.AB.ECF@usdoj.gov

All parties on the attached matrix

Tenant
250 East Main Street
Senatobia, MS 38668

Tenant
1351 Hwy 51 South
Senatobia, MS 38668

DATED: June 19, 2020

_____/s/William L. Fava_____
WILLIAM L. FAVA
Chapter 7 Trustee

P.O. Box 783
Southaven, MS 38671
(662) 536-1116